REMARKS

Previous claims 77-80, 83-84, and 91-92 are rejected under a new combination of references under 35 U.S.C. §103 – namely Lester in view of Murakami, and further in view of a third reference Conley. Previous claim 86 was rejected using a combination of four prior art documents, namely Lester in view of Murakami, further in view of Conley, further in view of Schlonski. Previous claim 90 was rejected using a combination of five references – namely Lester in view of Murakami, further in view of Conley, further in view of White, further in view of Colby.

New claim 93 represents a combination of previous independent 77 along with previous dependent claims 83, 86, and 90. If the Examiner were to reject this new claim based on a combination of six separate references – namely Lester plus Murakami plus Conley plus Schlonski plus White plus Colby, it would appear that such a selection could only be accomplished by an impermissible hindsight reconstruction only based on previous knowledge of Applicants' claim 93, and would not be obvious to one skilled in the art. Such a hindsight reconstruction is prohibited, as recently observed by the U.S. Supreme Court. A fact finder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments relying upon *ex post* reasoning. *KSR v. Teleflex, Inc.,* 127 S.Ct. 1727, 1742 (2007). The Supreme Court further warned against a temptation to read into the prior art the teachings of the invention in issue and instructing courts to guard against slipping into the use of hindsight. *KSR* at 1742.

First, new claim 93 first distinguishes over the primary reference Lester at least by reciting at least one operating unit for input and output of operating information of the printing or copying system which comprises a control panel server which the at least one operating unit accesses as a client to output control data. The

Examiner acknowledges that this distinguishes over Lester at page 3 of the Office Action, beginning at the fifth line from the bottom.

Second, claim 93 distinguishes over Lester at least by reciting that the first printer comprises an internal network ,and the control panel server is connected via the internal network with a network agent via which a data exchange takes place with a plurality of sub-controllers of the first printer. The Examiner also acknowledges this difference over Lester at page 3, last three lines of the Office Action.

Third, claim 93 further distinguishes over Lester at least by reciting a data exchange taking place with a plurality of sub-controllers of the first printer and at least one second control unit in the second printer which controls a plurality of sub-controllers of the second printer. To the contrary, Lester is dealing with print server technologies rather than dealing with control of these recited sub-controllers of the first printer and sub-controllers of the second printer.

Fourth, claim 93 distinguishes over Lester at least by reciting that the first and the second control units contain a distributed object model with objects aiding access to the operating information and to the control data. For this, the Examiner cites Lester paragraph 0016 and Figures 1 and 2. However, these disclosures in Lester clearly do not teach access to the operating information and to the control data with aid of the distributed object model. Although the Examiner relies on print job data and print instructions, these cannot be considered as objects providing <u>access</u> to the operating information and the control data.

Fifth, claim 93 next distinguishes over Lester at least by reciting the control data containing control variables, wherein values of the control variables are output with aid of the at least one operating unit, the values being administered with aid of a

management information base. At page 11 of the Office Action, the Examiner agrees that Lester also does not have this feature but cites a fourth reference in combination with the other three references, namely Schlonski at column 4, lines 34-36 and Figurer 2A. However, such a combination of four separate references is itself an indicator of non-obviousness and a hindsight rejection guided only by Applicants' claim and not by what would be obvious to one skilled in the art.

Sixth, claim 93 next distinguishes over Lester at least by reciting that the transfer of the control data takes place with aid of a Remote Method Invocation Communication using a Simple Network Management Protocol. The Examiner agrees that Lester does not have this feature but at page 13 of the Office Action the Examiner cites a fifth reference Colby and a sixth reference White, to be added to the other four references Lester, Murakami, Conley, and Schlonski. But if the Examiner were to reject new claim 93 with a combination of six separate references, it would appear that such a combination could only be a hindsight rejection guided only by what Applicants' are claiming, and not by what would be obvious to one skilled in the art.

The secondary reference of Murakami is cited for at least one operating unit accessing as a client to output control data and the control panel server in the first apparatus being connected via an internal network connection with a network agent via which a data exchange takes place with a plurality of sub-controllers. However, Murakami does not teach any of the following seven missing features discussed above in Lester and recited in new claim 93:

1.   there is no first control unit of the first printer comprising a control panel server which can be accessed as a client to <u>output</u> control data;

2.   the first printer comprises an internal network;

3.   the control panel in the first printer is connected via the internal network with a network agent via which a data exchange takes place with a plurality of sub-controllers of the first printer;

4.   at least one second control unit which controls a plurality of sub-controllers of the second printer;

5.   a data line via which the control data is transferred from the first to the second control units of the first and second printers with aid of a data transfer protocol;

6.   control data is <u>output</u> by the at least one operating unit in addition to the operating information; and

7.   the control data is used to set system parameters of the second printer.

At page 4 of the Office Action, fourth paragraph, the Examiner agrees that Lester in view of Murakami does not teach graphical elements of a graphical user interface stored in a memory of the first apparatus where the graphical elements are transferred into the at least one operating unit and loaded there for display. For this, the Examiner cites Conley. However, Conley combined with Murakami and Lester does not teach the above noted seven claim distinctions.

Dependent claims 94-102 distinguish at least for the reasons noted with respect to claim 93 and also by reciting additional features not suggested.

Method claim 103 distinguishes at least for the reasons noted with respect to control system claim 93.

Allowance of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,

_____ (Reg. No. 27,841)

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